



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,554	04/27/2006	Massimo Sensini	72214	2736
23872 7590 01/22/2009 MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227				
EXAMINER				
MILLER, SAMANTHA A				
ART UNIT		PAPER NUMBER		
3749				
MAIL DATE		DELIVERY MODE		
01/22/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/595,554

**Applicant(s)**

SENSINI, MASSIMO

**Examiner**

SAMANTHA A. MILLER

**Art Unit**

3749

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

The amendment filed 9/26/2008 is acknowledged.

***Drawings***

The drawings were received on 9/26/2008. These drawings are not entered because the replacement drawing has added the dimming element (40) feature from Specification, however this element was not in the original drawings and not described in enough detail in the Specification to be added to the drawings without being considered new matter.

The drawings are objected to because the only figure is not properly labeled, a title must be inserted labeling it as "Figure" or the more clear title of "Figure 1" with the appropriate change in the Specification.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the modular covering element and external hole "extending the full length of said thermoinsulated wall" must be shown in the original drawings or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14, 16, 18-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over SENSINI (WO2003/083242 A1) in view of KOSLOWSKI (DE 2702214 A).

SENSINI teaches:

1. A double-glazed thermoinsulated walls (p.4 ll.16-20) including at least an intermediate glass pane (56), an internal glass pane (3) and an external glass pane (2), said internal glass pane being positioned parallel to said external pane such that said

internal glass pane and second said external glass pane define a first space (58), said intermediate glass pane being parallel to said internal glass pane and parallel to said external glass pane, said intermediate glass pane being arranged in said space such that said intermediate glass pane divides said first space into a hermetically sealed (by gasket ex 29) space (4) and a second space (57), said intermediate glass pane and said external glass pane defining at least a portion of said hermetically sealed space, said intermediate glass pane and said internal glass pane defining said second space, said hermetically sealed space being located opposite an outside environment, said second space being located opposite an inside environment; a dimming element (6) located within said hermetically sealed chamber (4) (Fig.8); an air inlet opening (8) exclusively in communication with said second space and the inside environment, said air inlet opening being located at the bottom of said internal glass pane (Fig.1); an air outlet (9) opening in communication with the outside environment and located at the top of said external glass pane (Fig.1-2); (57) for air intake from the inside environment (through 22, 24), said fan being actuated such that air flows from said inside environment exclusively through said inlet opening into said second space and exits into said outside environment via said outlet opening (p.4 ll.16-20).

4. The fan housing defines a fan outlet opening (15), said fan outlet opening being closed via a swinging closing member (55) for preventing air from flowing back to the interior environment when said fan is not operative.

5. The fan housing (7) is defined by a substantially cylindrical sector shaped by a bearing element (37) provided, in assembled setting, with a longitudinal opening turned

to said second space for the air intake through the second space, and with an opposed opening for the air outlet to the outside.

6. The bearing element is removably constrained to a frame which is steadily fixed peripherally to one of said thermoinsulated walls (Fig.7).

7. The hermetically sealed space is hermetically sealed via a spacing element (5) fitted between said external glass pane and said intermediate glass, said internal glass pane and said external glass pane defining said hermetically sealed space (Fig.8).

8. The frame is provided with an opening (59) turned to the inside, at the top of said space (4), and with an opposite external hole (15) for the air outlet, said opening and said external hole longitudinally extending to substantially the full length of the same frame.

9. The opening turned to the inside of said frame is closed by a removable inspection door (22), said inspection door defining a lower groove (25) for engaging an upper edge of said internal pane of glass by the interposition of a gasket means, said inspection door defining a curved portion for engaging a corresponding folded edge of the frame (Fig.3).

10. A modular covering element (45) is fitted externally to said frame, said modular covering element extending the full length of said thermoinsulated wall, said modular covering element defining a lower longitudinal opening for the air outlet (Fig.6).

11. The bearing element is constituted by a light metal section (the grate in 41, p.6 l.23).

Regarding claims 12-14, 16, 18-19, and 21, refer to the rejection of claims 1-11.

SENSINI teaches the invention as described above, including an electric fan and preventing high humidity. however SENSINI does not teach a tangential fan the full length of one of the thermoinsulated walls, a motor, a sensor detecting hygrothermal conditions, the spacing element made of plastic, or an external hole extending the full length of the frame.

KOSLOWSKI teaches:

1. A tangential fan (22) of reduced size extending substantially the full length of one of the thermoinsulated walls (1), said tangential fan being located within a fan housing (21) (p.3 para.12-13 and p.4 para.1) defined at the top of said first space (Fig.5), said tangential fan having a longitudinal opening (19) in communication with said second space (Fig.1); A motor (inherent to start fan 22) for actuating said tangential fan (22); a sensor detecting hygrothermal conditions of the air drawn in through said inlet opening via said tangential fan, said motor controlling a rotational speed of said tangential fan based on said hygrothermal conditions of said air detected via said sensor (the thermostat is automatic and connected the ventilation fan sucking system, p.2 para.7 and p.4 para.2-4) (It is noted that since temperature is one of the conditions related to relative humidity, the thermostat senses the hygrothermal conditions).

2. The fan is suited to be driven at low rotational speed by an electrical motor drive fitted at an end of said housing (Fig.1, shows flap (25) in a open position while fan (22) is sucking air and air entering at (24) which means the motor of the fan must be running and a low speed).

3. A portion of said sensor extends within said second space A portion of said sensor extends within said space (p.2 para.7, the slidegate valves are located on the exterior and the inside of the space (8) and the thermostat adjusts the valve by a steered drive which then is located on the on the exterior and inside of the space).

7. The spacing element being composed of a plastic material (p.4 para.10, teaches it is well known to use plastic or metal material with the frame.

8. External hole (23) for the air outlet, said opening and said external hole longitudinally extending to substantially the full length of the same frame (Fig.2)).

9. The sensor being connected to said inspection door such that a portion of said sensor extends within said space (p.2 para.7, the slidegate valves are located on the exterior and the inside of the space (8) and the thermostat adjusts the valve by a steered drive which then is located on the on the exterior and inside of the space).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the window frame of SENSINI in view of the KOSLOWSKI in order to have minimal dispersion of the energy required to maintain an optimal temperature in the interior environment that is efficient and low priced (SENSINI, p.2 ll.7-8 and 20-21)

Claims 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over SENSINI in view of KOSLOWSKI in further view of SHAH (2002/0113132).

SENSINI in view of KOSLOWSKI teaches the invention as stated above. However SENSINI in view of KOSLOWSKI does not teach sensing an increased amount of moisture in the air.



SHAH teaches:

17. The sensors (humidity and temperature sensor in the thermostat) detect an increased amount of moisture in the air (SHAH, Claim 19).

20. The plurality of sensors detect an increased humidity content in the air, said hygrothermal conditions of the air including temperature of the air and humidity of the air.

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the thermostat of SENSINI in view of KOSLOWSKI in view of the humidity sensor of SHAH in order to remove humidity from the air as well as cool it (SHAH, para.0002).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-14 and 16-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272-9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samantha Miller  
Examiner  
Art Unit 3749  
1/12/2009  
/Steven B. McAllister/

Supervisory Patent Examiner, Art Unit 3749